IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF VIRGINIA ABINGDON DIVISION

JAMES GRIZZLE,)
Plaintiff,) Case No. 1:20CV00009
V.	OPINION
VIRGINIA DEPT. OF SOCIAL) By: James P. Jones
SERVICES, ET AL.,) United States District Judg
Defendants.	ý)

James Grizzle, Pro Se Plaintiff.

The plaintiff, proceeding pro se, seeks to file this action without payment of fees. In his Complaint, he sues the Virginia Department of Social Services and the Buchanan County Board of Social Services. He alleges that he has been harassed by the defendant over the past two years. While no details are given, Grizzle contends that he has been subjected to illegal wiretaps, trespass, and release of his private emails to the public. He seeks \$500 million in damages.

Although the Complaint does not expressly reference the statute, the plaintiff's claims can be construed as claims brought under 42 U.S.C. § 1983 for violation of his constitutional rights. Section 1983 permits an aggrieved party to file a civil action against a person for actions taken under color of state law that violated his constitutional rights. *Cooper v. Sheehan*, 735 F.3d 153, 158 (4th Cir. 2013).

The plaintiff seeks to proceed in forma pauperis, even though he indicates he

has enough cash on hand to pay the filing fees. Grizzle claims that it would pose a

hardship to him to pay such fees, and under the circumstances I will grant his Motion

for Leave to Proceed in Forma Pauperis. Nevertheless, I must dismiss his

Complaint.

Even if I were to accept the plaintiff's claim as sufficiently supported by his

conclusory allegations, the defendants are immune from suit for money damages

under the Eleventh Amendment to the Constitution. Scott v. Wise Cty. Dep't of Soc.

Servs., No. 2:17CV00006, 2017 WL 3476976, at *2 (W.D. Va. Aug. 11, 2017);

Kincaid v. Anderson, No. 1:14CV00027, 2015 WL 3546066, at *3 (W.D. Va. June

8, 2015).

A separate final order will be entered.

DATED: April 1, 2020

/s/ JAMES P. JONES

United States District Judge

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